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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 BRIAN K. JOHNSON,

7 Plaintiff,

8 v.

9 ELDON VAIL, *et al.*,

10 Defendants.
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CASE NO. C08-5654FDB

ORDER

12 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of
13 Magistrate Judge J. Richard Creatura, objections to the report and recommendation, if any, and
14 the remaining record, does hereby find and ORDER:

- 15 (1) The Court adopts the Report and Recommendation;
16 (2) Defendants motion to dismiss is GRANTED;
17 (3) Plaintiff's claims and causes of action are dismissed, and;
18 (4) The Clerk is directed to send copies of this Order to the parties.
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20 DATED this 6th day of May 2009.
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25 FRANKLIN D. BURGESS
26 UNITED STATES DISTRICT JUDGE